

REMARKS

Claims 1-25 are pending in the current application, with claims 1-19 and 25 presently at issue. The applicants note with appreciation that claims 20-24 were allowed. Claims 1-4, 11-13, and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark (USPN 3,292,685) in view of Rosenoy (USPN 4,800,946). Claims 5-8 and 14-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark in view of Rosenoy, and in further view of Palmer (USPN 4,478,268). Claims 9, 10, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark in view of Rosenoy, and in further view of Miyagawa et al. (USPN 6,070,640, hereinafter "Miyagawa"). In view of the foregoing claim amendments and the following arguments, it is respectfully submitted that all pending claims are in a condition for allowance. Favorable reconsideration is respectfully requested.

General Comments

The examiner notes in the final Office action that "the claims of the instant application are drawn to the impactable panel per se and not to the combination of the impactable panel assembly in combination with the metal rollup door and the pair of guide members." (Final Office action, page 3). Thus, the examiner alleges that "the applicants' argument is more specific than the claims." (Id.)

The applicants have amended the claims to positively recite an impactable panel assembly in combination with a metal rollup door and a pair of guide members. Accordingly, the applicants' amendments should obviate any rejection that may have been proper. Accordingly, the applicants request reconsideration and allowance of the pending claims.

35 U.S.C. § 103(a) Rejections

Clark in view of Rosenoy:

As noted above, claims 1-4, 11-13, and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark in view of Rosenoy, where claims 1, 11, and 25 are independent claims.

Independent claims 1, 11, and 25 all recite an impactable door assembly comprising, *inter alia*, a metal roll-up door, a first flexible curtain, and a bottom bar.

Clark, on the other hand discloses a retractable wall with a panel made of a flexible material. The flexible panel is “preferably made of transparent plastic in exterior applications and of opaque or translucent plastic in various colors for interior applications.” Clark, col. 3, ll. 1-3. Clark does not contemplate an impactable door assembly comprising a metal roll-up door and a flexible panel.

Similarly, Rosenoy discloses a roll-type door comprised of a pliable sheet-like structure. Specifically, Rosenoy states that “the rolling door 28 is comprised of a transparent polyvinyl chloride (PVC) material which affords both strength and flexibility.” Rosenoy, col. 4, ll. 56-59. Like Clark, Rosenoy does not contemplate an impactable door assembly comprising a metal roll-up door and a flexible panel.

Accordingly, both Clark and Rosenoy are directed to resilient doors (i.e. relatively flexible) while the present claims are directed to metal doors. As will be understood, impact to the metal door causes deformation of the door. Thus, any attempt to rely upon the resilient plastic doors of Clark and Rosenoy is inapposite to the teaching of the present disclosure.

As detailed above, neither Clark nor Rosenoy discloses an impactable door assembly with a metal roll-up door and a flexible panel. Because neither reference individually discloses this claimed combination, no combination of the two references can result in the claimed impactable door assembly. The MPEP requires that “the prior art reference (or references when combined) must teach or suggest all the claim limitations” in order to establish a prima facie case of obviousness. MPEP § 2142. The combination of Clark and Rosenoy fails to teach or suggest all of the claim limitations, indicating that a prima facie case of obviousness has not been established.

Accordingly, it is respectfully submitted that independent claims 1, 11, and 25, and all claims dependent thereon, are in a condition for allowance. The applicants respectfully request such allowance.

Clark in view of Rosenoy, and further in view of Palmer:

As noted above, claims 5-8 and 14-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark in view of Rosenoy (as applied to claims 1-4 and 11-13, above), and further in view of Palmer. Claims 5-8 depend from independent claim 1, whereas

claims 14-17 depend from independent claim 11. The deficiencies of the combination of Clark and Rosenoy as they relate to claims 1 and 11 were detailed above, namely that neither Clark nor Rosenoy discloses an impactable door assembly comprising a metal roll-up door and a flexible panel.

Palmer discloses a door structure (10) that “comprises a curtain of flexible material.” Palmer, col. 3, ll. 8-9. Specifically, Palmer contemplates the curtain being manufactured of rubber. Palmer, col. 3, ll. 8-9. Palmer clearly does not teach an impactable door assembly comprising a metal roll-up door and a flexible panel. Thus, Palmer does nothing to cure the deficiencies of the combination of Clark and Rosenoy, meaning that the combination of Clark, Rosenoy, and Palmer cannot render obvious claims 1 and 11 or claims 5-8 and 14-17, which depend therefrom.

Accordingly, it is respectfully submitted that claims 5-8 and 14-17 are in a condition for allowance. The applicants respectfully request such allowance.

Clark in view of Rosenoy, and further in view of Miyagawa:

Claims 9-10 and 18-19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Clark in view of Rosenoy, and further in view of Miyagawa. Claims 9 and 10 depend from independent claim 1, whereas claims 18 and 19 depend from independent claim 11. The deficiencies of the combination of Clark and Rosenoy as they relate to claims 1 and 11 were detailed above, namely that neither Clark nor Rosenoy discloses an impactable door assembly comprising a metal roll-up door and a flexible panel.

Miyagawa discloses a fire limiting screen arrangement that is constructed of a “non-combustible or fire-proof screen 1, such as a glass fiber fabric, silica cloth or the like” Miyagawa, col. 4, ll. 17-20. Miyagawa does not teach an impactable door assembly comprising a metal roll-up door and a flexible panel. Thus, Miyagawa does nothing to cure the deficiencies of the combination of Clark and Rosenoy, meaning that the combination of Clark, Rosenoy, and Miyagawa cannot render obvious claims 1 and 11 or claims 9-10 and 18-19, which depend therefrom.

Accordingly, it is respectfully submitted that claims 9-10 and 18-19 are in a condition for allowance. The applicants respectfully request such allowance.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
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